

**FILED**

APR 26 2012

 CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

RICHARD MILLNER, \* Civ. 12-1003  
\*  
Plaintiff, \*  
-vs-\*  
\* ORDER APPROVING STIPULATION  
JILL MILLNER; CHOICE FINANCIAL \* AND JUDGMENT OF PARTITION  
GROUP; CENTRAL LIVESTOCK \*  
ASSOCIATION, LLC; and the \*  
UNITED STATES OF AMERICA \*  
(Internal Revenue Service), \*  
\*  
Defendant. \*

The parties reached an agreement as to the disposition of this matter and filed a Stipulation for Judgment of Partition (Doc. 6) signed by Richard Millner, Jill Millner, Paul Nistler, Assistant Vice President of Business Banking for Choice Financial Group, Ann Kennedy, counsel for Central Livestock Association, and Jan Holmgren, Assistant United States Attorney. The Court has reviewed the pleadings on file and the Stipulation for Judgment of Partition, and is fully advised in the premises.

Now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Stipulation for Judgment of Partition (Doc. 6) is incorporated herein by this reference and is approved.
2. Jill Millner shall pay \$3,606.18 to the United States of America.

3. Richard and Jill Millner shall pay all property taxes due and owing to Marshall County as to the real property described below.

4. Upon Richard and Jill Millner's compliance with paragraphs 2 and 3 of this Order, the Millners' real property shall be partitioned as follows:

a. Jill Millner shall be the fee simple owner of the N1/2NE1/4 of Section 16, Township 128N, Range 53W of the Fifth P.M., Marshall County, South Dakota.

b. Richard Millner shall be the fee simple owner of the following parcels in Marshall County, South Dakota:

- Lots 1-6, Block 14, Rosholt's Addition, Veblen.
- Vacated Blocks 17, 18, 19, 20, 21, 22, 23, and 24, Rosholt's Addition, Veblen.
- Outlots A through M, Edson's Addition, Veblen.

5. Upon partition, the United States shall release the federal tax lien as to Jill Millner's parcel of real property, legally described as the N1/2NE1/4 of Section 16, Township 128N, Range 53W of the Fifth P.M., Marshall County, South Dakota.

6. Except as provided in paragraph 5 of this Order, nothing in this Order shall affect the existing lien priority of

the encumbrances on the partitioned land of Richard Millner or the partitioned land of Jill Millner.

7. Choice Financial, Jill Millner, and Richard Millner shall execute an Amendment of Note and Mortgage, and Jill Millner and Richard Millner shall execute quit claim deeds, consistent with the division of the real property as set forth in paragraph 10 of the Stipulation for Judgment of Partition.

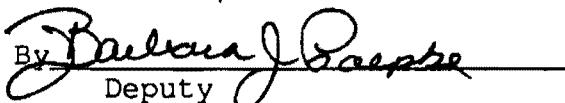
Dated this 26<sup>th</sup> day of April, 2012.

BY THE COURT:

  
Honorable Charles B. Kornmann  
United States District Court Judge

ATTEST:

JOSEPH HAAS, CLERK

  
By Bethany J. Paeske  
Deputy  
(SEAL)